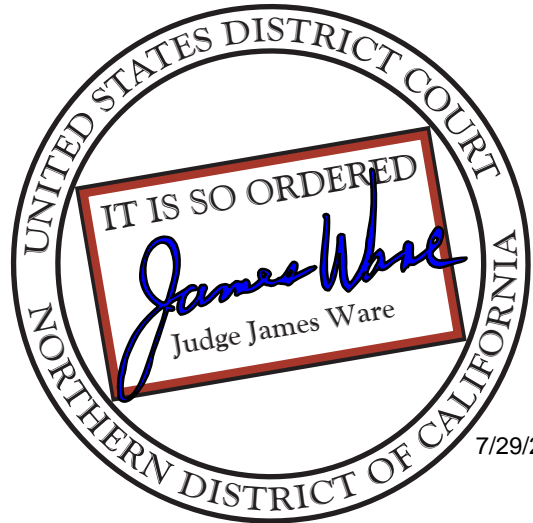


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7/29/2009

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN JOSE DIVISION

DEBORAH DI GRAZIA, a widow,
Plaintiff,

vs.

SAZERAC COMPANY, INC., a Louisiana
corporation; BROWN-FORMAN, INC., a
Kentucky corporation; and TEQUILA
HERRADURA, S.A., a Mexican
corporation.

Defendants.

No. 5:08-CV-01562 JW

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
OF DEFENDANT TEQUILA
HERRADURA, S.A.**

NOTICE is hereby given that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) Plaintiff Deborah di Grazia ("Plaintiff") voluntarily dismisses Defendant Tequila Herradura, S.A. ("Defendant Herradura") from the above-captioned action without prejudice. Defendant Herradura has provided affidavits to Plaintiff (attached hereto as Exhibits 1 and 2) indicating that it had sold to Defendant Brown-Forman, Inc. substantially all of its assets related to the production, sale, and distribution of the Herradura Brands prior to the events giving rise to

1 Plaintiff's claims. Plaintiff and Defendant Herradura have agreed to toll all applicable statutes of
2 limitations related to any claims Plaintiff may have against Defendant Herradura related to the
3 above-captioned action (Tolling Agreement attached hereto as Exhibit 3).

4
5 Dated: May 15, 2009

Manatt, Phelps & Phillips, LLP

6
7 By: /s/ Travis M. Ritchie

8 Stephen S. Mayne
9 Andrew A. Bassak
10 Travis M. Ritchie
Attorneys for Plaintiff
DEBORAH DI GRAZIA

11 *Pursuant to General Order 45 X.B. the filer hereby attests that concurrence in the filing of this*
12 *document has been obtained from each signatory, which shall serve in lieu of his or her signature*
13 *on the document.*